

## Relevant Excerpts from Rural Sicamous Land Use Bylaw No. 2000

(See [Bylaw No. 2000](#) for all policies and land use regulations)

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### MSR MULTI-SINGLE FAMILY RESIDENTIAL ZONE

#### Permitted Uses

- 2.14 (1)** The *uses* stated in this subsection and no others are permitted in the MSR zone, except as stated in sections 2.3.1 to 2.4.7.
- (a) *Home business*
  - (b) *Place of religious worship*
  - (c) *Single family dwelling*
  - (d) *Accessory use*

#### Regulations

- (2)** On a *parcel* designated MSR, no land shall be used; no *building* or structure shall be constructed, located or altered; and no plan of subdivision approved; that contravenes the regulations stated in this subsection, except as stated in sections 2.3.1 to 2.4.7.

COLUMN 1 MATTER REGULATED	COLUMN 2 REGULATION
(a) Maximum number of <i>single family dwellings</i> per <i>parcel</i>	1 per 650 m <sup>2</sup> (6996.6 sq. ft.) of parcel area to a maximum of 50 per parcel
(b) Minimum setback from: <ul style="list-style-type: none"><li>• <i>front parcel boundary</i></li><li>• <i>interior side parcel boundary</i></li><li>• <i>exterior side parcel boundary</i></li><li>• <i>rear parcel boundary</i></li></ul>	<div>4.5 m (14.76 ft.)</div> <div>2 m (6.56 ft.)</div> <div>4.5 m (14.76 ft.)</div> <div>4.5 m (14.76 ft.)</div>

<b>(c)</b> Minimum separation distance between single family dwellings on the <i>parcel</i>	4.5 m (14.76 ft.)
<b>(d)</b> Minimum <i>parcel</i> size created by subdivision	8 ha (19.76 ac.)
<b>(e)</b> Servicing standard for subdivisions	<ul style="list-style-type: none"> <li>• on site sewage disposal</li> <li>• on site water supply</li> </ul>
<b>(f)</b> Maximum <i>height</i> for: <ul style="list-style-type: none"> <li>• Principal <i>buildings</i> and structures</li> <li>• <i>Accessory buildings</i></li> </ul>	<ul style="list-style-type: none"> <li>• 11.5 m (37.73 ft.) 6 m (19.69 ft.)</li> </ul>

## SETBACK EXCEPTIONS

**2.3.10** The following may be in a required minimum front *setback*, rear *setback*, or side *setback*:

- (a)** a fence not exceeding 2.4 m (7.87 ft.) in height, in compliance with the regulations set out in section 2.3.22 Sight Triangles;
- (b)** landscaping features such as a trellis, manmade pond or yard ornament;
- (c)** a utility pole, including a pole used for area lighting;
- (d)** a driveway and walkway;
- (e)** a structure below finished grade;
- (f)** a wheel chair ramp;
- (g)** *landscape retaining structures*, provided that such structures must be separated from each other by a minimum 1.5 m distance measured horizontally from the face (or from the toe of the upper wall to the top face of the lower wall, if the landscape retaining structures are not vertical) of each landscape retaining structure and specifically excludes landscape retaining structures proposed to be constructed adjacent to a Section 42 road, as defined in the Transportation Act, or in the sight triangle. Landscape retaining structures proposed to be located adjacent to a Highway must comply with Ministry of Transportation and Infrastructure regulations and may require the approval of that Ministry; and,
- (h)** exterior stairway not forming part of a building.

## DEFINITIONS

**BUILDING** is a structure used or intended for supporting or sheltering a use or occupancy but does not include a recreational vehicle;

**ACCESSORY USE** is the use of land, buildings and structures that are customarily incidental to, subordinate to, and exclusively devoted to the principal use or a single family dwelling. An accessory use does not include human habitation;

**HABITATION** in respect of development proposed on properties subject to floodplain specifications, means the support of life processes within a building, including, but not limited to, sleeping, eating, food preparation, waste elimination, personal cleaning, and rest and relaxation areas;

**HEIGHT** is the vertical distance between the highest point of a building or structure and the lowest point of a building or structure where the finished ground elevation and the building meet, excluding localized depressions such as vehicle and pedestrian entrances to a maximum width of 6 m (19.69 ft.);

**LANDSCAPE RETAINING STRUCTURE** means a specific type of retaining structure, the use or intended use of which is to hold back and resist, stabilize or support less than 1.2 meters of retained material, such as an earthen bank;

**NATURAL BOUNDARY** is the visible high water mark of any lake, river, stream or other body of water where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the body of water a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself;

**PARCEL BOUNDARY, FRONT** means the parcel boundary that is the shortest parcel boundary common to the lot and an abutting highway or access route in a bare land strata plan, and where and in the case of a panhandle lot means the line separating the panhandle driveway from the main part of the lot;

**PARCEL BOUNDARY, INTERIOR SIDE** is a *parcel* boundary other than a *front parcel boundary* or a *rear parcel boundary* that is not common to a *highway* other than a lane or a walkway;

**RETAINING STRUCTURE** means a specific type of structure that is subject to lateral earth pressure, is laterally unsupported at the top and retains more than 1.2 meters of soil material at any point along its length, measured as the difference between the finished ground elevation at the top and bottom of the structure, and specifically excludes Landscape Retaining Structures and Retaining Structures which are part of and connected structurally to a Building;

**WATERCOURSE** is a natural depression with banks and a bed of 0.6 m (1.97 ft.) or more below the surrounding land and 1 of the following, a) serving to give direction to a current of water for at least 6 months of the year, b) having a drainage area of 2 km<sup>2</sup> (494 ac.) or more, c) an area designated as a watercourse by the Province, and includes lake, pond, river, stream, creek, spring, ravine, swamp, and wetland.

## **FLOODPLAIN REGULATIONS**

### **Establishment of Flood Plains**

- 2.3.4 (1)** The following land is designated as flood plain:
- (a)** land lower than the flood construction level; and
  - (b)** land within the flood plain setback.
- (2)** The flood construction level is:
- (a)** 0.6 m (1.97 ft.) above the 1:200 year flood level where it can be determined;
  - (b)** 351 m Geodetic Survey of Canada datum for Shuswap Lake and 351.1 m Geodetic Survey of Canada datum for Mara Lake;
  - (c)** 1.5 m (4.92 ft.) above the *natural boundary* of a *water body*; other than Shuswap and Mara Lakes;
  - (d)** 3 m (9.84 ft.) above the *natural boundary* of a *watercourse*; and
  - (e)** Where more than 1 flood construction level is applicable, the higher elevation is the flood construction level.
- (3)** The floodplain setback is:
- (a)** 15.0 m from the mean annual high water mark of Shuswap Lake, defined as 348.3 metres Geodetic Survey of Canada Datum;
  - (b)** 15.0 m from the mean annual high water mark of Mara Lake, defined as 348.4 metres Geodetic Survey of Canada Datum;
  - (c)** 30 m (98.43 ft.) from the natural boundary of the Eagle River, Sicamous Creek and the portion of Hummingbird Creek that is downstream from highway 97A;
  - (d)** 15 m (49.2 ft.) from the natural boundary of any other watercourse; and
  - (e)** where more than 1 flood plain setback is applicable, the larger distance is the flood plain setback.

### **Measurement of Flood Construction Level and Flood Plain Setback**

- 2.3.5 (1)** The flood construction level is determined by measuring at a 90° angle to the mean annual high water mark for Shuswap and Mara Lakes, or the natural boundary for all other watercourses to a point where the elevation is the required elevation above said mean annual high water mark or natural boundary.
- (2)** The flood plain setback is determined by measuring at a 90° angle to the mean annual high water mark for Shuswap and Mara Lakes or the natural boundary for all other watercourses, the distances stated in Section 2.3.4(3).

### **Application of Flood Plains**

- 2.3.6 (1)** A *building*, including a manufactured home or structure must not be constructed, reconstructed, moved or extended within a flood plain setback.
- (2)** The underside of a floor system or top of concrete slab that is used for *habitation*, business, or the storage of goods that are susceptible to damage by floodwater, must be above the flood construction level.
- (3)** Where landfill or structural support or both are used to comply with subsection (2), they must be protected against scour and erosion from flood flows, wave action, ice and other debris and not extend within the flood plain setback.
- (4)** Furnaces and other fixed equipment susceptible to damage by floodwater must be above the flood construction level.
- (5)** The Manager of Development Services or their delegate requires that a Surveyor Certificate be submitted to them by the land and property owners to verify compliance with the flood construction level and flood plain setback specified in subsections 2.3.4 (2) and (3).
- (6)** The following are exempted from the regulations of subsection (2) as they apply to the flood construction level:
- (a)** a renovation of an existing *building*, including a manufactured home or structure that does not involve an addition to the exterior of the *building*, manufactured home or structure;
  - (b)** an addition to a *building*, manufactured home or structure of less than 25 percent of the *floor area* existing the date of June 19, 1986. The addition must be no lower in elevation than the floor existing the date of June 19, 1986. The distance from the *building*, manufactured home or structure to a *water body* or *watercourse* must not be decreased with respect to the flood plain setback;
  - (c)** a carport or domestic garage;
  - (d)** a *building* used for *agriculture* excluding a closed-sided livestock housing and a *dwelling unit*; and
  - (e)** a farm *dwelling unit* that is located both on a *parcel* 8.1 ha (20.01 ac.) or larger and within the provincial Agricultural Land Reserve and provided:
    - (i)** the underside of a wooden floor system;
    - (ii)** the top of a concrete slab;
    - (iii)** in the case of a manufactured home, the top of the *pad*; or
    - (iv)** the ground surface under an area used for *habitation*, is no lower than 1 m (3.28 ft.) above the natural ground elevation

measured from the highest point on the perimeter of the farm *dwelling unit* or no lower than the flood construction level, whichever is the lesser.

- (7)** The following are exempted from the requirements of sub-section (1) and (2) as they apply to the flood construction level and floodplain setback:
- (a)** a floating building or structure;
  - (b)** a dock or wharf;
  - (c)** a boat fueling use;
  - (d)** a fence constructed of wood or wire through which water can flow freely;
  - (e)** flood proofing protection works constructed to stabilize the shoreline of a water body or the banks of a watercourse;
  - (f)** a roof overhang or cantilevered deck with no footings within the setback area;
  - (g)** on-loading and off-loading facilities associated with water-oriented industry and portable sawmills;
  - (h)** ground level patios;
  - (i)** detached accessory building that do not include habitation;
  - (j)** exterior stairway not forming part of a building or attached in any way to another structure, provided it does not extend below the parcel boundary, or the natural boundary;
  - (k)** electrical or mechanical equipment not susceptible to damage by floodwater; and,
  - (l)** storage of goods not damageable by flood waters.